

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2003-629

MAINE PUBLIC UTILITIES COMMISSION
Investigations into Implementation of the
Federal Communication Commission's
Triennial Review Order

October 15, 2003

PROCEDURAL ORDER

On October 9, 2003, InfoHighway Communications Corporation (InfoHighway) filed a letter in this proceeding informing the Commission of a Temporary Stay Order issued by the Second Circuit Court of Appeals relating to the Federal Communications Commission's *Triennial Review Order* (TRO). InfoHighway takes the position that this proceeding should be stayed pending the D.C. Circuit Court of Appeals' resolution of InfoHighway's request for a permanent stay.

We believe that the Second Circuit Court's Temporary Stay Order does not preclude us from determining whether we will have a 90-day proceeding or not. At most, the Order may preclude us from proceeding with the substantive analysis required by the TRO. Thus, we will not suspend our requirement that CLECs make a *prima facie* showing of the need to conduct a 90-day proceeding. All such filings must be submitted no later than **October 21, 2003**.

If, after review of the submissions, we determine that conducting a 90-day proceeding is necessary, we will consider at that time any motions to stay our proceeding due to activities at the D.C. Circuit Court of Appeals.

BY ORDER OF THE HEARING EXAMINER

Trina M. Bragdon
Hearing Examiner